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Amdt. dated June 25, 2004
Reply to Office action of March 25, 2004

Remarks:

Claims 1-15 are pending in this application. New claims 13, 14 and 15 have been added by way of this amendment.

The Applicant acknowledges the Examiner's indication that claim 9 is allowed and that claim 5 may be considered allowable if rewritten to include the base claim and any intervening claims. Claim 5 has been amended as required.

In the outstanding office action, the Examiner has rejected claims 1, 2, 7, 8 and 10-12 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,535,313 to Fatehi, et al. (hereinafter "Fatehi"). The applicant respectfully disagrees.

The Examiner is unclear about which element (among data sources/sinks 102-1 to 102-M, data buffers 402-1 to 402-M and TDM multiplexer 450) of Fatehi is considered to be a service specific transceiver. For the purposes of the following, it will be assumed that the TDM multiplexer 450 is considered to be a service specific transceiver. To anticipate claim 1, such a service specific transceiver must receive "a plurality of input signals from a given plurality of data communications devices operating with a given data communication protocol". In reference to the data communication protocol used by the data communications devices (assumed to be the data sources/sinks 102-1 to 102-M), Fatehi indicates that "the data format of a source should be compatible with the destination (or data sink), that is they should communicate with each other using the same specification, e.g., gigabit Ethernet, etc, no other restriction is imposed by the optical network." see col. 5, lines 59-63. As such, the data sources/sinks 102-1 to 102-M associated with the TDM multiplexer may operate with any number of data communication protocols.

Furthermore, regardless of the combination of elements the Examiner has equated with the claimed wavelength access controller, electrical signals are only received from one service specific transceiver (TDM multiplexer) rather than from a plurality of service specific transceivers, where "at least two of said service specific transceivers operating with different data communication protocols" as required by claim 1.

Advantageously, the use of service specific transceivers allows for the

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workings of the service specific transceivers to be optimized for the specific data communication protocols. Fatehi does not contemplate the difficulty that would be inherent in time division multiplexing input signals of Internet Protocol, Gigabit Ethernet, Asynchronous Transfer Mode and SONET. Additionally, the downstream treatment of a given service specific channel in the wavelength division multiplexed signal at the output of the wavelength access controller may be significantly enhanced where signals using only one data communication protocol are present in the given service specific channel.

In view of the forgoing, applicant submits that claim 1 is not anticipated by Fatehi and respectfully requests that the Examiner's rejection on that basis be withdrawn. Furthermore, it is submitted that claim 2, 3, 4 and 6 which depend, either directly or indirectly, from claim 1, are not anticipated by (claim 2), or obvious in view of (claims 3, 4 and 6), Fatehi and are, therefore, patentable.

For the reasons provided hereinbefore in the discussion of claim 1, to anticipate claims 7 and 8, Fatehi is required to disclose a data communication apparatus with a plurality of service specific TDM multiplexers 450 and the receipt of electrical signals from at least two TDM multiplexers 450 "operating with different data communication protocols". It is submitted that Fatehi discloses only one source of electrical signals to be converted (TDM multiplexer 450) and the one source is not "service specific".

In view of the forgoing, applicant submits that claims 7 and 8 are not anticipated by Fatehi and respectfully requests that the Examiner's rejection on that basis be withdrawn.

To anticipate claim 10 an element of Fatehi must determine "which of a plurality of service specific transceivers correspond to each of said plurality of service specific electrical signals". However, in Fatehi, after conversion to electrical from optical, all the electrical signals are sent to the same TDM demultiplexer 630.

In an alternative interpretation of the Examiner's rejection, the electronic switch 605 may be considered to determine "which of a plurality of service specific transceivers correspond to each of said plurality of service specific electrical signals". However, in such an interpretation, the elastic buffers 606-1 to 606-M become the service

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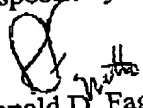
specific transceivers, which are required by claim 10 to segment "said given service specific electrical signal to result in a plurality of output signals". It is submitted that the elastic buffers 606-1 to 606-M do not perform such segmenting and produce only a single output signal.

Claims 11 and 12 are directed toward data communication apparatus for carrying out the method of claim 10.

In view of the forgoing, applicant submits that claims 10, 11 and 12 are not anticipated by Fatehi and respectfully requests that the Examiner's rejection on that basis be withdrawn.

In view of the foregoing, early favorable consideration of the application is earnestly solicited.

Respectfully submitted,


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